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Attorneys for Defendant Novartis Pharmaceuticals Corporation

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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MONTVALE SURGICAL CENTER, LLC,	:	Hon. Esther Salas, U.S.D.J.
a/s/o GRIFFIN BINKO,	:	Case No. 12-cv-4166-ES-CLW
	:	
Plaintiff(s),	:	<i>Civil Action</i>
	:	
v.	:	
	:	
HORIZON BLUE CROSS BLUE	:	CERTIFICATION OF EDWARD
SHIELD OF NJ, INC.; NOVARTIS	:	CERASIA II IN SUPPORT OF
PHARMACEUTICALS CORPORATION;	:	DEFENDANT NOVARTIS
ABC CORP. (1-10) (said names being	:	PHARMACEUTICALS
fictitious and unknown entities),	:	CORPORATION'S OPPOSITION TO
	:	PLAINTIFF'S MOTION FOR LEAVE TO
	:	AMEND THE COMPLAINT
Defendant(s).	:	
-----	X	

I, Edward Cerasia II, Esq., being of full age, certify and state as follows:

1. I am a Shareholder with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., attorneys for defendant Novartis Pharmaceuticals Corporation ("NPC"). I submit this Certification in support of NPC's Opposition to plaintiff Montvale Surgical Center's ("MSC") Motion for Leave to Amend the Complaint.

2. Attached as Exhibit A is a true and correct copy of the relevant portions of NPC's Summary Plan Description.

3. Attached as Exhibit B is a true and correct copy of MSC's first appeal to Horizon Blue Cross Blue Shield of New Jersey ("HBCBS"), dated September 17, 2010.

4. Attached as Exhibit C is a true and correct copy of HBCBS's response to MSC's first level appeal, dated November 3, 2010.

5. Attached as Exhibit D is a true and correct copy of MSC's second appeal to HBCBS, dated December 29, 2010.

6. Attached as Exhibit E is a true and correct copy of HBCBS's response to MSC's second level appeal, dated June 14, 2011.

7. Attached as Exhibit F is a true and correct copy of the opinion in *Advanced Rehabilitation, LLC v. United Health Group, Inc.*, 2012 U.S. App. LEXIS 20050 (3d Cir. 2012).

8. Attached as Exhibit G is a true and correct copy of the opinion in *Ford Motor Co. v. Edgewood Properties, Inc.*, 2009 WL 150951 (D.N.J. 2009).

9. Attached as Exhibit H is a true and correct copy of the opinion in *Theodossiou v. Commerce Bank, N.A.*, 2007 WL 1071961 (D.N.J. 2007).

10. Attached as Exhibit I is a true and correct copy of the opinion in *Lascaris v. Griffin Investigations, Inc.*, 2006 WL 54342 (D.N.J. 2006).

11. Attached as Exhibit J is a true and correct copy of the opinion in *Schmelzle v. UNUM Life Ins. Co. of Am.*, 2008 U.S. Dist. LEXIS 63627 (D.N.J. 2008).

I hereby certify under penalty of perjury that the foregoing statements are true and correct. Executed on January 8, 2012.

By /s/ Edward Cerasia II
Edward Cerasia II